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11 United States of America

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,	}	NO. CV 13-8686 GHK (RZx)
16 Plaintiff,	}	
17 vs.	}	<del>[PROPOSED]</del>
18 ONE REAL PROPERTY LOCATED	}	CONSENT JUDGMENT OF
19 IN MALIBU, CALIFORNIA,	}	FORFEITURE
20 Defendant.	}	
21	}	

22 This matter was commenced on November 26, 2013, against the defendant One  
23 Real Property Located in Malibu, California (“Malibu Real Property”).<sup>1</sup>

24 Absolute Activist Value Master Fund Limited, Absolute East West Fund  
25 Limited, Absolute East West Master Fund Limited, Absolute European Catalyst Fund  
26 Limited, Absolute Germany Fund Limited, Absolute India Fund Limited, Absolute

27  
28 <sup>1</sup> Pursuant to Local Rule 5.2-1, full account numbers and residential addresses  
have been excluded from this document.

1 Octane Fund Limited, Absolute Octane Master Fund Limited, and Absolute Return  
2 Europe Fund Limited (collectively, “The Absolute Funds”) claim interests in the  
3 defendant Malibu Real Property. No claimants other than The Absolute Funds remain  
4 as parties in this case and the time for filing statements of interest has expired.

5 The Malibu Real Property was sold for \$7,060,000 on or about January 24, 2014.  
6 On February 19, 2014, the Court issued an Order Re Stipulation Regarding Substitute  
7 Res and Withdrawal of Claims between the United States and Todd M. Ficeto; Charles  
8 Ficeto, as trustee of Western Promethean Grantor Retained Income Trust; and Christina  
9 Ficeto (Todd Ficeto, Charles Ficeto and Christina Ficeto are referred to collectively as  
10 “the Ficeto Claimants”). Docket Number (“DN”) 35. The Order provided that \$1.5  
11 million of the net proceeds of the sale of the Malibu Real Property shall be paid to  
12 Christina Ficeto and the Ficeto Claimants agreed to withdraw their claims and not  
13 contest forfeiture of the remaining net sale proceeds and credits totaling \$1,881,968.33.  
14 On March 24, 2014, the Court issued an Order that the remaining net sale proceeds and  
15 credits in the amount of \$1,881,968.33 in funds would be substituted into this matter as  
16 Substitute Res in place of the defendant Malibu Real Property. DN 41. The  
17 \$1,881,968.33 in funds is hereinafter referred as the Substitute Res.

18 Plaintiff United States of America (“the United States” or “the government”) and  
19 The Absolute Funds have reached an agreement that is dispositive of the action. The  
20 parties hereby request that the Court enter this Consent Judgment of Forfeiture  
21 (“Consent Judgment”).

22 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

23 1. This Court has jurisdiction over the parties and the subject matter of this  
24 action.

25 2. Notice of this action has been given in accordance with law. All potential  
26 claimants to the defendant substitute res, other than The Absolute Funds; Todd M.  
27 Ficeto; Charles Ficeto, as trustee of Western Promethean Grantor Retained Income  
28 Trust; and Christina Ficeto, are deemed to have admitted the allegations of the

1 Complaint. The allegations set out in the Complaint are sufficient to establish a basis  
2 for forfeiture. The Absolute Funds are relieved of their obligations to file an answer in  
3 this litigation.

4 3. The United States of America shall have judgment to the Substitute Res  
5 (\$1,881,968.33), plus all interest earned by the United States on said funds, and no other  
6 person or entity shall have any right, title or interest therein. The United States  
7 Marshals Service is ordered to dispose of said funds in accordance with law.<sup>2</sup>

8 4. The Absolute Funds, on behalf of themselves and their agents and  
9 representatives, hereby release and hold harmless the United States, its agencies, agents,  
10 officers, employees and representatives, including, without limitation, all agents,  
11 officers, employees and representatives of the Federal Bureau of Investigation, as well  
12 as all agents, officers, employees and representatives of any state or local government  
13 or law enforcement agency involved in the investigation of this matter, from any and all  
14 claims, including claims for interest, actions or causes of action, damages, expenses,  
15 and costs, known and unknown, which may hereafter be asserted or brought by or on  
16 behalf of The Absolute Funds or any of their agents or representatives, arising out of the  
17 seizure and/or forfeiture of the defendant and the institution of this matter.

18 5. Each of the Parties to this Consent Judgment shall bear its own attorney's  
19 fees and other costs in connection with this matter.

20 6. Each of the signatories to this Consent Judgment represents that he or she  
21 has the full power and authority (without further approvals or consents) to enter into  
22 this Consent Judgment and perform the obligations set forth herein.

23 7. This Consent Judgment may be signed in counterparts and shall be deemed  
24 to have been equally drafted by the parties hereto.

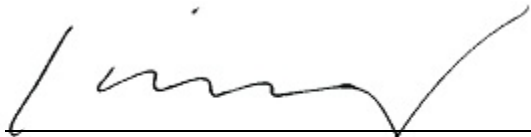
25  
26 <sup>2</sup> The Absolute Funds submitted a petition for remission to the United States  
27 Department of Justice (the "DOJ") for the defendant asset and other related assets. On  
28 or about July 11, 2014, the DOJ issued a preliminary determination to grant the  
petition for remission of certain assets, including the defendant asset, conditioned on  
the entry of final order(s) of forfeiture against the asset(s).

1           8.     Based on the DOJ's preliminary determination to grant the petition for  
2 remission referenced in footnote 2, *supra*, The Absolute Funds waive all appeal rights  
3 with respect to this matter.

4           9.     The Court finds that there was reasonable cause for the seizure of the  
5 defendant Malibu Real Property and institution of these proceedings. This judgment  
6 shall be construed as a certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

7 IT IS SO ORDERED.

8  
9 DATED: 8/11, 2014

  
\_\_\_\_\_  
THE HONORABLE GEORGE H. KING  
UNITED STATES DISTRICT JUDGE

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13 **[Signatures of counsel appear on the next page.]**  
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**Approved as to form and content:**

Dated: August 4, 2014

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\_\_\_\_\_  
/s/

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DATED: August 4, 2014

\_\_\_\_\_  
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Absolute East West Fund Limited,

Absolute East West Master Fund Limited,

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Absolute Germany Fund Limited,

Absolute India Fund Limited,

Absolute Octane Fund Limited,

Absolute Octane Master Fund Limited, and

Absolute Return Europe Fund Limited